

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	James B. Moran	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	00 C 3694	DATE	2/14/2003
CASE TITLE	Glenview Partners vs. Plexus Corp.		

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

MOTION:

Memorandum Opinion and Order

DOCKET ENTRY:

- (1) ☐ Filed motion of [use listing in "Motion" box above.]
- (2) ☐ Brief in support of motion due _____.
- (3) ☐ Answer brief to motion due _____. Reply to answer brief due _____.
- (4) ☐ Ruling/Hearing on _____ set for _____ at _____.
- (5) ☐ Status hearing[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (6) ☐ Pretrial conference[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (7) ☐ Trial[set for/re-set for] on _____ at _____.
- (8) ☐ [Bench/Jury trial] [Hearing] held/continued to _____ at _____.
- (9) ☐ This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to]
☐ FRCP4(m) ☐ Local Rule 41.1 ☐ FRCP41(a)(1) ☐ FRCP41(a)(2).
- (10) ☒ [Other docket entry] Enter Memorandum Opinion and Order. Defendant's motion to alter or amend findings/conclusions of law is denied. Status hearing set for February 25, 2003 at 9:15am.
- (11) ☒ [For further detail see order attached to the original minute order.]

<input type="checkbox"/> No notices required, advised in open court.	U.S. DISTRICT COURT NORTHERN DISTRICT OF ILLINOIS CHICAGO, ILLINOIS 60602 03 FEB 14 PM 1:35 Date/time received in central Clerk's Office	4 number of notices	Document Number
<input type="checkbox"/> No notices required.		FEB 18 2003 date docketed	
<input type="checkbox"/> Notices mailed by judge's staff.		UML docketing deputy initials	52
<input checked="" type="checkbox"/> Docketing to mail notices.		FEB 18 2003 date mailed notice	
<input type="checkbox"/> Mail AO 450 form.		UML mailing deputy initials	
<input type="checkbox"/> Copy to judge/magistrate judge.			
WAH courtroom deputy's initials			

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

DOCKETED

FEB 18 2003

GLENVIEW PARTNERS, an Illinois
partnership,

Plaintiff,

vs.

No. 00 C 3694

PLEXUS CORP., a Wisconsin corporation,

Defendant.

MEMORANDUM OPINION AND ORDER

Defendant's motion to alter or amend findings/conclusions of law is denied. We denied the summary judgment motions because we believed there were genuinely disputed material facts. We resolved those disputed facts for the reasons stated in open court on September 26, 2002, and we adhere to those determinations.

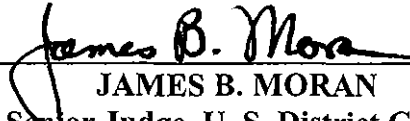
Defendant, we concluded, had a contractual obligation to convey to plaintiff the Shure property. Defendant in good faith believed that Shure would convey the property to it. Its "fault," if it can be termed that, is an apparent failure to obtain a legally enforceable right to obtain the property from Shure before it bound itself to convey the property to plaintiff. If it had done so, it would still be liable to plaintiff but it could recover that loss from Shure. We also concluded that plaintiff did not have the unfettered right to walk away from the agreement, Gianone's testimony notwithstanding.

We had hoped that the parties could settle on a damages figure, and we continue to so hope. That may require, we suggest, some recognition by plaintiff that defendant did not act with dishonorable intentions. Whether plaintiff can recover on a proposed lease is a damages

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issue, which has yet to be determined. This matter is set for status on February 25, 2003, at 9:15 a.m.

Feb. 14, 2003.



JAMES B. MORAN
Senior Judge, U. S. District Court